

REMARKS

Claims 1-14 are currently pending in the case. Claims 1, 3 and 8-12 are hereby cancelled.

Claim 2 stands rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 5,817,263 (Taylor). Claims 4-7, 13 and 14 stand rejected under 35 USC §103 as obvious over Taylor. Entry of the amendment and reconsideration of the rejection of claims 2, 4-7, 13 and 14 are requested.

Claim 2, as presented herein, is rewritten in independent form, and further incorporates the limitations of claim 3. More specifically, claim 3 characterizes the connecting part as comprising an inner surface with a complete or partial groove or tongue, which the compacted molded piece engages and/or partially encloses, respectively. An exemplary tongue is shown as element 5 in Fig. 1.

The groove/tongue configuration, aside from the structural improvement it affords, inherently reduces "wall effects". That is, in the absence of the groove/tongue, it is possible that a certain amount of air to be filtered will migrate between the connecting part and the filter material. As a result, this air is essentially unfiltered. By reason of using either the groove or tongue, air traveling along the wall is caused to be diverted away from the wall at the tongue or groove to force that air through the filter material.

Taylor teaches only a sleeve with an inner surface for filter material that has no tongues or grooves as claimed. Taylor discusses no such structure. Taylor's disclosure

would not motivate one skilled in the art to modify the sleeve disclosed therein to arrive at the claimed structure.

Additionally, the apparatus in claim 2 is a structural part specifically designed to be connected as a unit to a respirator or a fan filter unit. Taylor discloses only a simple sleeve which is not a corresponding structural element.

Claim 4, which depends from claim 2, specifically characterizes the connecting part as comprising a periphery with fasteners for detachable gastight connection to a respirator or a fan filter unit, or for a gastight connection to an adaptor for connection to a respirator or fan filter unit. During the interview, the Examiner acknowledged that Taylor does not teach or suggest any corresponding fasteners.

Accordingly, claims 2 and 4 are believed allowable, as are claims 5-7, 13 and 14, which depend cognately from claim 2 and recite further significant structural detail to further distinguish over the cited art.

In the Advisory Action mailed on November 26, 2004, the Examiner noted that he would not enter the November 4, 2004 Amendment Under 37 CFR 1.116 because of an alleged new issue raised with respect to claim 1. Claim 1 and its dependent claims have been cancelled herein. While applicant submits that no new issues were raised by the aforementioned amendment, the cancellation of these claims eliminates this issue altogether.

The claims now presented are not amended so as to raise any new issues, but rather only present the previously submitted claims in a different form, i.e. with claim 2 in independent form. Given that the Examiner acknowledged during the September 8, 2004 interview that Taylor does not teach or suggest fasteners as recited in claim 4, and Taylor

is devoid of any teaching or suggestion of tongues or grooves as in claim 2, it is respectfully submitted that these claims should be allowed, as should the remaining claims, which depend also from claim 2.

Entry of the amendment, reconsideration of the rejection of claims 2, 4-7, 13 and 14, and allowance of the case are requested.

Respectfully submitted,

By 
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER
500 W. Madison St., Suite 3800
Chicago, IL 60661
(312) 876-1800

Date: Dec 29, 2009